

STATE OF MAINE  
PUBLIC UTILITIES COMMISSION

March 20, 2000

ORDER

CENTRAL MAINE POWER COMPANY  
AND CMP NATURAL GAS, L.L.C.,  
Application for Approval of Affiliated Interest  
Transaction, Sale of Property (§707)

DOCKET NO. 99-739

CENTRAL MAINE POWER COMPANY  
AND CMP NATURAL GAS, L.L.C.,  
Application for Approval of Amendment  
To Assessment Agreement With  
CMP Natural Gas, L.L.C. (§ 707)

DOCKET NO. 2000-89

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

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**I. SUMMARY**

We approve the October 1998 Assessment Agreement and its April 1999 amendment executed by Central Maine Power Company (CMP) and CMP Natural Gas, L.L.C. (CMPNG) and determine that the current amendment does not require our approval.

In addition, we exempt amendments to previously approved Assessment Agreements between electric utilities and their natural gas distribution affiliates that modify only location and time period from prior approval pursuant to 35-A M.R.S.A. §707(3)(C).

**II. BACKGROUND**

On February 1, 2000, CMP and CMPNG jointly filed an application, pursuant to 35-A M.R.S.A. § 707, for approval of an affiliated transaction consisting of their Amendment to a Pipeline Right-of-Way Assessment Agreement originally executed on October 1, 1998. The application states that the new amendment extends the terms of the original Assessment Agreement until December 31, 2000 and allows CMPNG to access additional, specified electric transmission corridors. The locations subject to this

agreement are confidential information. The applicants seek approval of the Amendment expeditiously, if possible, within the initial 60-day statutory period.

On February 18, 2000, the Commission determined that the October 1, 1998 Assessment Agreement between CMP and its affiliate, CMPNG, does require approval pursuant to 35-A M.R.S.A. §707. See *Central Maine Power Company and CMP Natural Gas, L.L.C., Application for Approval of Affiliated Interest Transaction, Docket No. 99-739, Order at 20* (Me. PUC Feb. 18, 2000) (February 18<sup>th</sup> Order). In addition, the Commission stated that section 707 approval is not necessary for amendments to a previously approved Assessment Agreement that only modify the locations to which the agreement is applicable and/or extend the time period of the underlying agreement. This is because these modifications do not alter the underlying support service agreement.

In light of our February 18<sup>th</sup> Order, CMPNG now requests that, because its amendment modifies only the locations and extends the time period of the agreement, the Commission “dispose of the application” either by summarily approving it, dismissing it, or allowing the applicants to withdraw the application. Similarly, given the statements in our February 18<sup>th</sup> Order, CMP requests that the Hearing Examiner issue an order finding that Section 707 approval of this amendment is not required.

### III. DECISION

Pursuant to 35-A M.R.S.A. §707(3)(C), we may, by rule or order, in advance, exempt from section 707 approval classes of transaction that, in our judgment, will not be adverse to the public interest. In our February 18<sup>th</sup> Order, we concluded that amendments of previously approved support services agreements that modify only location and time period do not require our review because they do not significantly alter the underlying service agreement between affiliates. Such amendments are not substantive enough to give rise to a possibility that the agreement could be adverse to the public interest when we have otherwise approved the underlying agreement.

To the extent it was unclear from our February 18<sup>th</sup> Order, we hereby rule that the Assessment Agreement between CMP and CMPNG executed on or about October 1, 1998 and its April 1999 amendment are approved.<sup>1</sup>

Therefore, this amendment of the Assessment Agreement between CMP and CMPNG is exempt from section 707 approval because it modifies only the applicable location and time period of the agreement, not its service terms, and is not adverse to the public interest. Moreover, we exempt all such amendments to previously approved

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<sup>1</sup> CMP points out that the February 18<sup>th</sup> Order is not explicit on this point. See Order at 20-23.

Assessment Agreements between electric utilities and their natural gas distribution company affiliates from prior review and approval pursuant to 35-A M.R.S.A. §707(3)(C).

Dated at Augusta, Maine, this 20th day of March, 2000.

BY ORDER OF THE COMMISSION

Dennis L. Keschl  
Administrative Director

COMMISSIONERS VOTING FOR: Welch  
Nugent  
Diamond

## NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Civil Procedure, Rule 73, et seq.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.